

REMARKS

Summary

Claims 1, 3, 4, 6-16, 18-25 and 29-34 were pending and all of the claims were rejected in the present Office action. The Applicants have carefully considered the reference and the reasons presented by the Examiner and respectfully traverse the rejections on the basis that a *prima facie* case of anticipation has not been made out. The Applicants respectfully request that the finality of the Office action be withdrawn, and that the claims be allowed.

In the present Office action a new reference has been applied to support the rejection, and this reference appears to be directed to a specific limitation in an amendment to Claim 1 in the previous response. The need for a new reference arises from the claim change. The Applicants respectfully submit that, except for the new limitation in the claim, the arguments previously presented overcame the rejection. As argued below, the new reference, either by itself, or taken in conjunction with the previously applied references, does not support a *prima facie* case of either anticipation or obviousness.

Rejection of Claims

Claims 1, 3, 4, 6-12, 19-24, 27, and 30-34 were rejected under 35 U.S.C. §102(e) as being anticipated by Kobashi (U.S. 6,839,107). As a preliminary remark, the statement of claims rejected as set forth in the Office action summary and the Detailed Action differ in detail. For purposes of this response, the latter statement of rejected claims is presumed. Should the application not be allowed on the basis of this response, the Examiner is respectfully requested to clarify the matter in the next communication.

The Applicants respectfully note that the art cited was said to have been searched under the pre-AIPA version of 35 U.S.C. § 102(e). To the extent that a further rejection is made, and post-AIPA art is cited, the Applicants respectfully

request that the Office action be made non-final to permit the Applicants an opportunity to properly respond.

Claim 1 recites, *inter alia*, pixel electrodes electrically connected to the respective switching elements and each of the pixel electrodes is a diffusively reflective electrode.

The Examiner asserts that Kobashi teaches that “each of the pixel electrodes is a diffusively reflective electrode (9a)”. (Office action, page 2, last line).

The Applicants respectfully submit that the pixel electrode (9a) taught by Kobashi is composed of “transparent ITO (Indium Tin Oxide) films (Kobashi, col 11, line 48). As such the element taught by Kobashi is transparent (i.e., non-reflective) rather than the arrangement recited in Claim 1 where the pixel electrode is a diffusively reflective electrode, and thus not all of the elements and limitations of the present Claim 1 are taught.

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim*.”
Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir 1984) (citing Connell v. Sears Roebuck & Co. 722 F.2d 1542 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

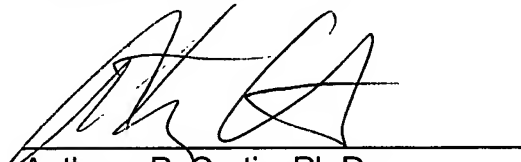
For at least this reason, Claim 1 is not anticipated, and is allowable. Claims 3, 4, 6-12, 16, 19-24 and 30-34 are claims dependent on an allowable claim and are allowable, without more.

Previously the Applicants traversed a rejection under 35 U.S.C. §103(a). The only new limitation introduced in the amendment of Claim 1 was the one recited above and, as argued above, Kobashi does not supply that limitation. Hence, the combination of Kobashi with the previously cited art will not sustain a *prima facie* case of obviousness.

Conclusion

In view of the amendments and arguments above, Applicants respectfully submit that all of the pending claims are in condition for allowance and seek an allowance thereof. If for any reason the Examiner is unable to allow the application in the next Office Action and believes that a telephone interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'AP Curtis', is written over a horizontal line.

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